

### ***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-7, 14-20 and 23-31 are pending in the application, with claims 1 and 7 being the independent claims. Claims 1 and 7 are sought to be amended. Claims 8-13, 21, and 22 were previously cancelled without prejudice to or disclaimer of the subject matter therein. Applicants reserve the right to prosecute similar or broader claims, with respect to the cancelled and amended claims, in the future. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

### ***Rejections under 35 U.S.C. § 103***

#### **Chen and Golitschek**

At page 4 of the Final Office Action, the Examiner rejected claims 1-7 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chen *et al.* (EP 1130837A2) (“Chen”) in view of Golitschek *et al.* (WO 02/058314 A1) (“Golitschek”). Applicants respectfully traverse this rejection and the “Response to Arguments” section at pages 2-4 of the Final Office Action.

Without acquiescing to the propriety of the rejection, claims 1 and 7 have been clarified to recite features that distinguish over the applied references. For example, claim 1 recites, *inter alia*, “indicating, using the computing device, the coding rate of a subsequent one or more of the blocks ***independently from the coding rate of said one of the blocks***, using data contained in said one of the blocks,” and claim 7 recites, *inter alia*, “said at least one block indicates the transmission scheme of at least one other of said blocks ***independently from the transmission scheme of said at least one block***” (emphasis added).

In Golitschek, “[i]n a preferred embodiment, the adaptation process is limited to some or only one of the code words. . . [i]f only the first code word is adapted the code rate (or FEC parameter) of the following code words can be fixed to a higher coding rate .

. . [a]lternatively, the code rate of the following code words can be ***explicitly derived from*** the coding rate of the first code block” (emphasis added). (Golitschek, page 12, lines 22-27.)

Thus, Golitschek does not teach or suggest “indicating, using the computing device, the coding rate of a ***subsequent*** one or more of the blocks ***independently from the coding rate of said one of the blocks***,” as recited by claim 1 or “said at least one block indicates the transmission scheme of ***at least one other*** of said blocks ***independently from the transmission scheme of said at least one block***,” as recited by claim 7 (emphasis added). Rather, in Golitschek, “the code rate of the following code words can be ***explicitly derived from*** the coding rate of the first code block” (emphasis added).

At page 4 of the Final Office Action, the Examiner states, to which Applicants do not acquiesce, that Chen teaches “[i]ncluding, using a computing device, a header in the burst indicating the coding rate of one of the blocks.” However, the Examiner does not use Chen to teach, nor does Chen teach, at least the above-noted distinguishing features of claims 1 and 7. Thus, Chen cannot be used to cure the deficiencies of Golitschek. Therefore, the applied references cannot be used to establish a prima facie case of obviousness for claims 1 and 7.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. § 103(a) rejection of claims 1 and 7 and pass these claims to allowance. Additionally, at least based on their respective dependencies to claim 1, claims 2-6 should be found allowable over the applied references, as well as for their additional distinguishing features.

#### **Chen, Golitschek, and Thomas**

At page 8 of the Final Office Action, the Examiner rejected claims 14-20 and 23-25 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chen, in view of Golitschek, and further in view of U.S. Patent Number 6,697,642 B1 to Thomas (“Thomas”). Applicants respectfully traverse this rejection.

At page 8 of the Final Office Action the Examiner argues, to which Applicants do not acquiesce, that Thomas teaches “a method of transmission over a satellite link

between a satellite station and a mobile satellite terminal able to transmit at a selected one of a plurality of different forward error correction (FEC) coding rates wherein a change between successive ones of said FEC coding rates provides a substantially constant change in gain over the satellite link.” However, the Examiner does not use Thomas to teach, nor does Thomas teach, at least the above noted distinguishing features of claim 1. Thus, Thomas cannot be used to cure the deficiencies of Chen and Golitschek. Therefore, the applied references cannot be used to establish a prima facie case of obviousness for claim 1.

Accordingly, at least based on their respective dependencies to claim 1, claims 14-20 and 23-25 should be found allowable over the applied references, as well as for their additional distinguishing features.

**Chen, Golitschek, and Mantha**

At page 12 of the Final Office Action, the Examiner rejected claims 26-28 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chen, in view of Golitschek, and further in view of Mantha (WO 01/91407 A1) (“Mantha”). Applicants respectfully traverse this rejection.

At page 12 of the Final Office Action the Examiner argues, to which Applicants do not acquiesce, that Mantha teaches “a system comprising a transmitter and one or more of a plurality of receivers, wherein the transmission includes a plurality of packets addressed respectively to the receivers.” However, the Examiner does not use Mantha to teach, nor does Mantha teach, at least the above noted distinguishing features of claim 1. Thus, Mantha cannot be used to cure the deficiencies of Chen and Golitschek. Therefore, the applied references cannot be used to establish a prima facie case of obviousness for claim 1.

Accordingly, at least based on their respective dependencies to claim 1, claims 26-28 should be found allowable over the applied references, as well as for their additional distinguishing features.

**Chen, Golitschek, Mantha, and Siemens**

At page 14 of the Final Office Action, the Examiner rejected claim 29 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chen, in view of Golitschek, and further in view of Mantha and Siemens (EP 1179897 A2) (“Siemens”). Applicants respectfully traverse this rejection.

At page 14 of the Final Office Action the Examiner argues, to which Applicants do not acquiesce, that Siemens teaches “a protection method which uses interlacing for FEC blocks and data frames.” However, the Examiner does not use Siemens to teach, nor does Siemens teach, at least the above noted distinguishing features of claim 1. Thus, Siemens cannot be used to cure the deficiencies of Chen and Golitschek. Therefore, the applied references cannot be used to establish a prima facie case of obviousness for claim 1.

Accordingly, at least based on its dependency to claim 1, claim 29 should be found allowable over the applied references, as well as for its additional distinguishing features.

**Chen, Golitschek, and Vistar**

At page 15 of the Final Office Action, the Examiner rejected claims 30 and 31 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Chen, in view of Golitschek, and further in view of Vistar (WO 99/49592) (“Vistar”). Applicants respectfully traverse this rejection.

At page 15 of the Final Office Action the Examiner argues, to which Applicants do not acquiesce, that Vistar teaches “a communication system which assigns a plurality of packets addressed to a respective plurality of wireless receivers to a plurality of wireless bearers.” However, the Examiner does not use Vistar to teach, nor does Vistar teach, at least the above noted distinguishing features of claim 1. Thus, Vistar cannot be used to cure the deficiencies of Chen and Golitschek. Therefore, the applied references cannot be used to establish a prima facie case of obviousness for claim 1.

Accordingly, at least based on their respective dependencies to claim 1, claims 30 and 31 should be found allowable over the applied references, as well as for their additional distinguishing features.

***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Final Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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